

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2816

IN THE MATTER OF:

Served January 21, 1986

Application of CAPITAL BUS RENTAL,)
INC., trading as Capital Tours)
for Special Authorization to)
Conduct Charter Operations Pursuant)
to Contract with the U.S. Park)
Police)
)

Case No. CP-86-02

By application filed January 16, 1986, Capital Bus Rental, Inc., trading as Capital Tours ("Capital" or "applicant") seeks authority pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 to transport U.S. Park Police officers and persons traveling on official business of the U.S. Park Police between points in the Washington Metropolitan Area Transit District, except between points solely within the Commonwealth of Virginia.

The contract between Capital and U.S. Park Police covers the period October 1, 1985, through September 30, 1986. Applicant projects revenues of \$10,000 and expenses of \$8,000 for operations under this contract, which would be performed at the rate of \$32 per hour with a four-hour minimum.

The contracting officer has filed an affidavit in support of the application which states, among other things, that the Park Police have investigated the qualifications of applicant and are satisfied with its ability properly to perform the proposed service.

Operational Fitness

The application includes a list of three vehicles to be used in operating the service. However, the Commission's records show that applicant has leased these vehicles to another carrier, Blue Lines, Inc. That lease and Commission regulations require that these motor vehicles shall be operated by and under the complete control of the lessee (Blue Lines) and no other for the period of the lease, and for all regulatory purposes such motor vehicles shall be considered as the vehicles of lessee. It would appear that these vehicles are under the exclusive control of Blue Lines and, therefore, are not available to be used by Capital to provide service under this contract. Applicant will be required to explain this situation.

Compliance Fitness

Further, it appears from a letter that was filed simultaneously with this application by counsel for applicant in response to an inquiry from counsel for the Commission, that applicant has already provided service within the Transit District under this contract. This appears to have occurred on at least one occasion, at which time two vehicles were used. One of these vehicles appears to have been a vehicle leased to Blue Lines. The other was a vehicle which counsel for applicant has indicated is not operated within the Transit District. It would appear that this operation was conducted without appropriate WMATC operating authority. Applicant states in Exhibit 7 to this application that ". . . it has operated under lease arrangements with WMATC carriers in performing local transportation service." WMATC Regulation No. 69-10 dealing with equipment leasing states, "Under no circumstances may any operating authority issued by this Commission to any carrier be leased, rented to, or used by any other person." Applicant will be required to explain this matter, as it raises a question of its compliance fitness.

Insurance

The application states that applicant maintains insurance coverage which meets WMATC minimum requirements and has filed a certificate of such insurance with WMATC. In fact, that certificate of insurance was required to be filed because it names Blue Lines, Inc., as a named insured and the lessee of the five vehicles it leases from applicant, including the three vehicles named in this application. Applicant is hereby advised that, should this application be approved, it will be required to file a certificate of insurance which names "Capital Bus Rental, Inc." as an insured and which covers the vehicles to be used under the contract in an appropriate amount.

To the extent that a contract has been executed for the transportation of employees pursuant to a contract with their employer for a period in excess of 181 days, this application appears amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 20, 1979. Consequently, notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn, and notarized, and must contain all evidence and argument upon which the protestant would rely.

THEREFORE, IT IS ORDERED:

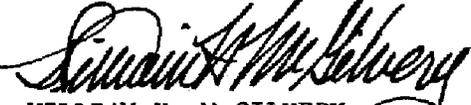
1. That Capital Bus Rental, Inc., trading as Capital Tours, publish once in a newspaper of general circulation in the Metropolitan District notice of this application in the form prescribed by the staff of the Commission, no later than Monday, January 27, 1986.

2. That applicant shall file with the Commission an affidavit of publication of notice.

3. That applicant shall file with the Commission an original and four copies of its response to the matters raised hereinbefore under the headings of "Operational Fitness" and "Compliance Fitness"

4. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Washington Metropolitan Area Transit Commission, 1625 I Street, N.W., #316, Washington, D.C. 20006, no later than Wednesday, February 5, 1986, and shall simultaneously serve a copy of such protest on applicant's counsel, Robert R. Harris, Esquire, 1730 M Street, N.W., #501, Washington, D.C. 20036.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

